



OFFICE OF THE POLICE COMMISSIONER

ONE POLICE PLAZA • ROOM 1400

April 12, 2011

Memorandum for: Deputy Commissioner, Trials

Re: **Sergeant Steven Bona**  
Tax Registry No. 925056  
PSA 9  
Disciplinary Case No. 86580/10

The above named member of the service appeared before Deputy Commissioner Martin G. Karopkin on January 5, 2011 and was charged with the following:

**DISCIPLINARY CASE NO. 86580/10**

1. Said Sergeant Steven Bona, while assigned to the Legal Bureau, on or about and between September 27, 2008 and February 13, 2010, did knowingly associate with Maria Zirkuli-Bohn, a person reasonably believed to be engaged in, likely to engage in or to have engaged in criminal activities.

**P.G. 203-10, Page 1, Paragraph 2**

**GENERAL REGULATIONS**

2. Said Sergeant Seven Bona, while assigned as indicated above, on or about and between September 27, 2008 and February 28, 2009, while off-duty, failed to notify his Commanding Officer of approximately forty-six (46) visits he made to see Maria Zirkuli-Bohn while Ms. Zirkuli-Bohn was incarcerated at the Nassau and Suffolk County Correctional Facilities.

**P.G. 205 Series, Interim Order 11, Paragraph 1**

**MONITORING OFF-DUTY VISITS TO INMATES AT THE CORRECTIONAL FACILITIES BY MEMBERS OF THE SERVICE**

3. Said Sergeant Steven Bona, while assigned as indicated above, on or about November 12, 2009, after having been instructed by New York City Police Lieutenant Sean Allen not to associate with Maria Zirkuli-Bohn, did fail to comply with said instructions.

**P.G. 203-03, Page 1, Paragraph 2**

**COMPLIANCE WITH ORDERS**

4. Said Sergeant Steven Bona, while assigned as indicated above, on or about and between May 6, 2009 and February 13, 2010, while off-duty, did fail to notify the Operations Unit of five (5) unusual police occurrences to which he was a participant and/or witness.

**P.G. 212-32, Page 1, Paragraph 2 Note**

**OFF DUTY INCIDENTS INVOLVING UNIFORMED MEMBERS OF THE SERVICE**

5. Said Sergeant Steven Bona, assigned as indicated above, on or about and between May 6, 2009 and February 13, 2010, while off-duty, engaged in conduct prejudicial to the good order, efficiency, or discipline of the department, to wit: said Sergeant on five (5) separate occasions was involved in verbal disputes and/or incidents with Maria Zirkuli-Bohn and/or Ron Bourdonnay that necessitated police response and/or domestic incident reports to be filed as a result of said disputes and/or incidents.

**P.G. 203-10, Page 1, Paragraph 5**

**GENERAL REGULATIONS**

In a Memorandum dated March 17, 2011, Deputy Commissioner Karopkin found the Respondent guilty of Specification No. 3 and accepted the Respondent pleading guilty to Specification Nos. 1, 2, 4 and 5. Having read the Memorandum and analyzed the facts of this instant matter, I approve the findings, but disapprove the recommended penalty of 30 Vacation days, plus One-Year Dismissal Probation.

With consideration of all evidence and the totality of circumstances adduced at trial, in addition to noting the Respondent's otherwise very good service record with the Department, the disciplinary penalty shall be the forfeiture of forty (40) Vacation days.

A handwritten signature in black ink, appearing to read 'Raymond W. Kelly', with a large, stylized initial 'R'.

Raymond W. Kelly  
Police Commissioner





POLICE DEPARTMENT

March 17, 2011

MEMORANDUM FOR: Police Commissioner

Re: Sergeant Steven Bona  
Tax Registry No. 925056  
Police Service Area 9  
Disciplinary Case No. 86580/10  
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The above-named member of the Department appeared before me on January 5, 2011, charged with the following:

1. Said Sergeant Steven Bona, while assigned to the Legal Bureau, on or about and between September 27, 2008 and February 13, 2010, did knowingly associate with Maria Zirkuli-Bohn, a person reasonably believed to be engaged in, likely to engage in or to have engaged in criminal activities.

P.G. 203-10, Page 1, Paragraph 2 – GENERAL REGULATIONS

2. Said Sergeant Steven Bona, while assigned as indicated above, on or about and between September 27, 2008 and February 28, 2009, while off-duty, failed to notify his Commanding Officer of approximately forty-six (46) visits he made to see Maria Zirkuli-Bohn while Ms. Zirkuli-Bohn was incarcerated at the Nassau and Suffolk County Correctional Facilities.

P.G. 205 Series, Interim Order 11, Paragraph 1 – MONITORING OFF-DUTY VISITS  
TO INMATES AT THE  
CORRECTIONAL FACILITIES BY  
MEMBERS OF THE SERVICE

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P.G. 203-03, Page 1, Paragraph 2 – COMPLIANCE WITH ORDERS

4. Said Sergeant Bona, while assigned as indicated above, on or about and between May 6, 2009 and February 13, 2010, while off-duty, did fail to notify the Operations Unit of five (5) unusual police occurrences to which he was a participant and/or witness.

P.G. 212-32, Page 1, Paragraph 2 Note    OFF DUTY INCIDENTS INVOLVING  
UNIFORMED MEMBERS OF THE  
SERVICE

5. Said Sergeant Steven Bona, assigned as indicted above, on or about and between May 6, 2009 and February 13, 2010, while off-duty, engaged in conduct prejudicial to the good order, efficiency, or discipline of the department, to wit: said Sergeant on five (5) separate occasions was involved in verbal disputes and/or incidents with Maria Zirkuli-Bohn and/or Ron Bourdonnay that necessitated police response and/or domestic incident reports to be filed as a result of said disputes and/or incidents.

P.G. 203-10, Page 1, Paragraph 5 – GENERAL REGULATIONS

The Department was represented by Vivian Joo, Esq., Department Advocate's Office, and the Respondent was represented by Andrew Quinn, Esq.

The Respondent, through his counsel, entered a plea of Guilty to Specification Nos. 1, 2, 4, and 5. He pled Not Guilty to Specification No. 3. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

The Respondent having pled guilty is found Guilty of Specification Nos. 1, 2, 4 and 5. The Respondent is found Guilty of Specification No. 3.

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department called Lieutenant Sean Allen as a witness. The Department also offered into evidence an audio recording and transcript of the Respondent's two official

Department interviews of November 12, 2009, and April 7, 2010.

Lieutenant Sean Allen

Allen has been a member of the Department since December 1997. He has been assigned to the Police Academy for about one year, and prior to that, for three years, he was a team leader with the Internal Affairs Bureau, Group 12. He was a lieutenant at that time and he assisted in investigating the Respondent's case involving allegations of criminal association with Maria Zirkuli-Bohn.

Allen, along with Detective White, conducted an official Department interview with the Respondent on November 12, 2009. Department Exhibit (DX) 1A is the compact disc recording of the interview and DX 1B is the corresponding transcript. The Respondent worked at the Legal Bureau at that time and he was represented by counsel. The Respondent, he said, told him that he had a boyfriend-girlfriend relationship with Zirkuli-Bohn. Allen said that he instructed the Respondent not to associate with Zirkuli-Bohn and read into the record the Department's procedures in regard to criminal association.

Allen said that Zirkuli-Bohn had a criminal record going back to 1991 and stated that not associating with people with a criminal background is a condition of employment with the Department.<sup>1</sup> He said candidates are told that during the applicant investigation process, and while at the Police Academy, students are handed the Patrol Guide and it is in the Patrol Guide.

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<sup>1</sup> The parties agreed that Zirkuli-Bohn had three arrests for petit larceny in 1991 for which she received probation. In 2006 she was charged with criminal possession of a controlled substance as a misdemeanor and in 2008 she was charged with driving under the influence of a controlled substance. Zirkuli-Bohn served an eight-month jail sentence as a result of the last two arrests.

On cross-examination, Allen agreed that he gave the instruction on the record and that it was recorded. He said he instructed the Respondent: “[D]on’t associate with her.” Allen said that his statement is not in the transcript but it is on the recording of the interview. He did not, he said, use the term “order” and he volunteered that he did not bang on the table or scream at him. He agreed that he did not tell the Respondent that if he failed to comply, there would be consequences. He said that he just said, “[D]on’t associate with her anymore,” and that White read into the record the Patrol Guide procedure regarding criminal association.

#### The Respondent’s Case

The Respondent testified in his own behalf.

#### The Respondent

The Respondent has been a member of the Department for almost eleven years. He was promoted to the rank of Sergeant in December 2005 and at that time was assigned to Transit District 20. He went to the Legal Bureau in August 2006, where he was assigned to the Criminal Unit and served as a criminal attorney for the Department. The Respondent also served in the Department Advocate’s Office. He is a lawyer, having graduated from Pace University. Presently, he is assigned to VIPER 3, where he has been since February 2009. He has never been the subject of charges before this.

He is not married and has never been married. He met Zirkuli-Bohn about three or three-and-a-half years earlier, while he was looking for an apartment and she had one to rent. Zirkuli-Bohn lives, he stated, in Nassau County. He had never resided with her.

After he met her, a romantic relationship developed. At the time he met her, he did not know that she had a criminal history. He learned of that about six months after he met her. While he was dating her, she was arrested for driving under the influence. He was not dating her in 2006, nor was he aware that she had also been arrested for criminal possession of a controlled substance in 2006. He learned of it subsequently. As a result of that arrest, she was incarcerated. He said that during the time he knew her, she was arrested once.

The Respondent testified that during his relationship with her and based on her discussion of her past, he learned that she had a substance abuse problem. She did not use any controlled substance in his presence, nor did he ever see her in possession of any controlled substance.

The Respondent stated that he tried to provide her with support to stay positive and to support her in any way he could so she could "do the right thing." He recommended that she attend AA (Alcoholics Anonymous) and NA (Narcotics Anonymous). He said she currently attends AA and he encourages her to take advantage of the resources that are available. The Respondent said that she lost her driver license as a result of the arrest so he provided transportation to get to and from meetings. He said she also had a bicycle and she would use the bicycle as much as she could.

The Respondent stated that Zirkuli-Bohn is 39 years old. She is currently going through a divorce and she has not been living as a married person during the course of their relationship. She has two children and he has tried to assist her in re-establishing a relationship with them. He noted that her efforts to get her children back are contingent on her staying drug- and alcohol-free. She has never sought his assistance in any

inappropriate manner. She has never sought to use his position with the Department to assist her in the criminal matter or any legal matter.

The Respondent stated that he lives in Nassau County and that he never met with Zirkuli-Bohn at any time within the City of New York. All of his contact with her has been in Nassau or Suffolk Counties.

The Respondent agreed that he visited Zirkuli-Bohn on a fairly regular basis while she was incarcerated. He agreed that the 46 times noted in the record was roughly accurate. The purpose of the visits, he said, was to provide support and any assistance she might have needed, such as supplies and reading materials. He brought her toiletries and provided money.

The Respondent stated that she was released from jail in March 2009, and to his knowledge, she has remained drug- and alcohol-free. To the best of his knowledge, she continues to go to AA and NA meetings.

On November 12, 2009, he was questioned by Allen, who asked him if he had a relationship with Zirkuli-Bohn. The Respondent said he acknowledged the relationship. He stated that he acknowledged visiting her in jail. He asserted that he was never accused of committing any domestic assaults against Zirkuli-Bohn.

The Respondent asserted that Allen did not order him to stay away from Zirkuli-Bohn. He recalled that Allen recommended or suggested it but did not order it.

The Respondent stated that he is familiar with the Patrol Guide prohibition against criminal association. He agreed that he is aware that the Department prohibits association with people who have pending or past criminal histories. His understanding was that if he continued to see Zirkuli-Bohn, he could be disciplined for it. The



Respondent added, “[M]y impression was that there was a consequence but I wasn’t ordered to stay away from that person.”

White conducted a second official Department interview of the Respondent on April 7, 2010. DX 1A is the compact disc recording of the interview and DX 2 is the corresponding transcript. During the interview, the Respondent disputed White’s assertion that he (the Respondent) had been ordered to stay away from Zirkuli-Bohn in his November 2009 official Department interview, saying that he had not been ordered to do so.

The Respondent agreed that when he left the interview in November 2009, he understood that if he continued to see Zirkuli-Bohn it would be at his own risk and there could potentially be consequences for a criminal association case. He did not think or believe he was failing to comply with an order.

On cross-examination, the Respondent indicated that, while in the Legal Bureau, he worked as a criminal attorney representing the Department. He would handle communications, go on details, answer phone calls from members of the service with questions and write legal arguments on behalf of the Department. He agreed that, occasionally, members of the service asked him questions about the Patrol Guide and he acknowledged that he is familiar with the Patrol Guide.

He stated that he knew Zirkuli-Bohn for about three-and-a-half or four years and that he dated her on and off during that time. He agreed that, on occasion, she would stay at his residence. He agreed that, at some point, he knew that she had a past history of drug abuse. He said she advised him of her past use of illegal drugs about six months into the relationship. He went with her to attend drug court and provide her with support.

He agreed that her attendance at drug court in Suffolk County was part of her plea agreement.

He agreed that Zirkuli-Bohn had a drinking problem and that they had discussions about her use of alcohol and related issues. He agreed that, at his first official Department interview, he had stated that he told her not to hang out with certain people from her past. He did this, he said, to provide support and encouragement.

When asked if he had told her not to associate with certain people, the Respondent stated:

No, I made suggestions that she should you know, hang out with the right people and hanging out with the wrong people would tempt her to go in the wrong direction so I wasn't aware of her actually hanging out with people she shouldn't be hanging out with but just general conversation that she should just stay positive and hang out with positive people.

The Respondent agreed that he attended court with Zirkuli-Bohn and asserted that he did so to provide transportation. He agreed that he had stated at an official Department interview that he was aware that she had a drug possession charge from 2008.

The Respondent recalled Allen telling him during the November 12, 2009, interview not to associate with Zirkuli-Bohn. He stated that he took that as a recommendation, a suggestion not to associate with her. The Respondent noted that this was not described as an order. The Respondent stated that he is not suggesting that the word "order" is needed to make a statement an order. He testified that it depends on the situation and, based upon what had occurred at the interview, he took it to be a suggestion.

The Respondent agreed that subsequent to November 12, 2009, he did associate with Zirkuli-Bohn.

The Respondent agreed that on November 24, 2009, he came home and saw Zirkuli-Bohn at his home, excited and throwing things around. He agreed that, out of concern for her safety, he called the police.

The Respondent agreed that on November 27, 2009, Zirkuli-Bohn went to the house of her ex-boyfriend, Ron Bourdonnay. He stated that he did not follow her there but agreed that he did go there himself. He also agreed that there was a confrontation between himself and Bourdonnay in which the Respondent was assaulted and the police responded.

The Respondent also agreed that there was an incident on January 2, 2010, when he was in his vehicle with Zirkuli-Bohn and they saw Bourdonnay. The Respondent also agreed that they went to the police station to report this.

The Respondent also agreed that on February 13, 2010, he went Zirkuli-Bohn's house. He agreed that he knocked on the door and then let himself in and that she was upset by this. She told him to leave and he left.

The Respondent agreed that he had numerous contacts with Zirkuli-Bohn after his first official Department interview.

FINDINGS AND ANALYSIS

The only specification that is in contention is Specification No. 3. That specification alleges that the Respondent, “after having been instructed by New York City Police Lieutenant Sean Allen not to associate with Maria Zirkuli-Bohn, did fail to comply with said instruction.”

On November 12, 2009, the Respondent was the subject of an official Department interview conducted by Lieutenant Allen and Detective White. The subject of the interview was, generally, the nature of the Respondent’s relationship with Ms. Zirkuli-Bohn. During the interview, the Respondent admitted to knowing about Zirkuli-Bohn’s criminal record and to associating with her. At sometime near the conclusion of that interview, Allen asked if the relationship was at an end, to which the Respondent replied that he and Zirkuli Bohn were now just friends. Allen then said: “Yeah, I’m going to let you know, I mean, don’t associate with her anymore...”

Much has been made about whether the word “order” was used. It was not. Certainly a superior officer giving an order to a subordinate can use the words, “this is an order” to make the point clear, but the use of the word “order” is not necessary to make a direction an order. When the word “order” is not used, the determination of whether the statement made is an order can be determined by the words actually used and the circumstances in which a statement is made. In this case, Allen is a lieutenant and the Respondent a sergeant. Allen was speaking to the Respondent in the course of an official proceeding. He had just inquired about the current state of the relationship between the Respondent and Zirkuli-Bohn and learned that it was ongoing. Given what was said and the context in which it was said, this was certainly a directive to the Respondent to cease



his relationship with Zirkuli-Bohn. Allen's directive, in this case, is something of a redundancy as it merely restates what was required of the Respondent under a Patrol Guide rule, but it was nonetheless an order.

The Respondent is found Guilty of Specification No. 3.

### PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined, see *Matter of Pell v. Board of Education*, 34 N.Y.2d 222 (1974).

The Respondent was appointed to the Department on March 10, 2000. Information from his personnel folder that was considered in making this penalty recommendation is contained in the attached confidential memorandum.

The Respondent, having pled guilty, does not question the Department's right to enact and enforce rules regarding the association a member of the service has with a person "reasonably believed to be engaged in, likely to engage in or to have engaged in criminal conduct," nor does the Respondent question the Department's right to impose a penalty for a violation of that rule. In fact, his request is that the Department not impose a period of dismissal probation as part of the penalty.

Counsel for the Respondent cites what he considers to be the benign, if not beneficial, nature of the relationship between the Respondent and Zirkuli-Bohn and notes that he has helped her to address her substance abuse problems. He also asserts that the Respondent has never been with her while she was in possession of controlled substances. That last assertion, at best, reflects the Respondent's belief that this is so. Certainly Zirkuli-Bohn's conduct brought the Respondent into contact with the Nassau

County police on more than one occasion. There is simply no way the Respondent can know with certainty what she has done or is doing, which is one of the many reasons for the rule against associating with people who have been involved in criminal conduct and might be again.

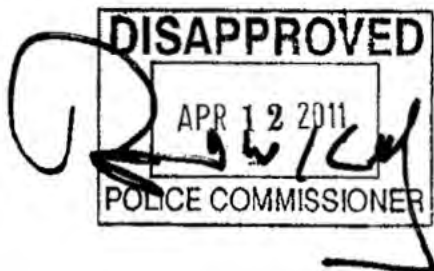
Shortly after the Respondent began his relationship with Zirkuli-Bohn, he learned of her criminal history. He knew at that point that his continued association with her was in violation of Department rules. Sometime later, he was brought in for an official Department interview. Even if one takes the Respondent's position, that Allen's statement was not an order, it should have been, and apparently was, crystal clear to the Respondent that further association with Zirkuli-Bohn was a violation of Department rules. Yet, he continued to do so. Under the circumstances, the Court finds that it has no choice but to impose a penalty that includes dismissal probation.

For all of the above reasons, this Court recommends that the Respondent be DISMISSED from the New York City Police Department, but that his dismissal be held in abeyance for a period of one year, pursuant to Section 14-115 (d) of the Administrative Code, during which time he remains on the force at the Police Commissioner's discretion and may be terminated at anytime without further proceedings. Further, this Court recommends that the Respondent forfeit 30 vacation days.

Respectfully submitted,



Martin G. Karopkin  
Deputy Commissioner – Trials




POLICE DEPARTMENT  
CITY OF NEW YORK

From: Deputy Commissioner – Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
SERGEANT STEVEN BONA  
TAX REGISTRY NO. 925056  
DISCIPLINARY CASE NO. 86580/10

On his last three annual performance evaluations, the Respondent received overall ratings of 4.5 “Extremely Competent/Highly Competent,” 4.0 “Highly Competent,” and 3.0 “Competent.” [REDACTED]. He has no prior formal disciplinary record.

For your consideration.

  
Martin G. Karopkin  
Deputy Commissioner Trials